REMARKS

The Non-final Office Action mailed June 17, 2005 considered and rejected claims 1-43 and 46-60.[1]

By this paper, claims 1, 42, 46, 57, 59 and 60 have been amended, such that claims 1-43 and 46-60 remain pending, of which claims 1, 42, 46, 57, 59 and 60 are the only independent claims at issue.

BACKGROUND

The present invention is generally directed to embodiments for optimizing synchronization of data items between computers, wherein a number of synchronization mechanisms exist to synchronize data between two computers. Rules can also be used to select one of the synchronization mechanisms. For example, Applicant's disclosure shows synchronization mechanisms that include wireless connections such as WiFi, Bluetooth, cellular phone protocols such as GSM and GPRS (Paragraph 46), etc. Other synchronization mechanisms include hardwired connections (Paragraph 27). Each of these synchronization mechanisms can provide different advantages and disadvantages. For example, some are more secure than others. Some are more costly. Some have limited bandwidth and thus take more time when synchronizing.

The rules specify which synchronization mechanisms can be used for synchronizing certain types of data. For example, to synchronize junk e-mail advertisements, it may be desirable to only use less costly synchronization mechanisms with higher bandwidth such as those that include WiFi. Alternatively, if the junk e-mail advertisements do not have a minimum threshold value, they may not be synchronized at all. When high security is needed, a secure connection such as a hardwired connection or encrypted wireless connection may be used. When the data is small, limited bandwidth synchronization mechanisms can be used.

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[1] Claims 1-8, 10-14, 22-43, and 46-60 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pesola, U.S. Pub-20030125057 (*Pesola*) in view of Gronemeyer, U.S. Pat-5450573 (*Gronemeyer*). Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Pesola* in view of *Gronemeyer* further in view of Asakawa, U.S. Pub-20030036398 (*Asakawa*). Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Pesola* in view of *Gronemeyer* further in view of Carlsson, U.S. Pub-20030119524 (*Carlsson*). Claims 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Pesola* in view of *Gronemeyer* further in view of Monin, U.S. Pub-20020197984 (*Monin*). Claims 20-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Pesola* in view of *Gronemeyer* further in view of Steinka, U.S. Pat-6285680 (*Steinka*). Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

The pending claims are also directed to corresponding embodiments. Claim 1, for example, recites a method of synchronizing first and second data stores in a flexible manner considering the circumstances that exist at the time of synchronization. The recited method includes the first computer system determining that a data item is to be synchronized; the first computer system *identifying which of a plurality of synchronization mechanisms* (which may include such connections as the wireless and hardwired connections discussed above) *are available to use for synchronization*; the first computer system *consulting a set of one or more flexible selection rules to select a synchronization mechanism*, the set of one or more flexible rules taking into consideration value, from having access to synchronized data, relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, (iii) security of the second computer system, or (iv) the value of data being synchronized, and thereby selecting an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules; and the first computer system using the selected synchronization mechanism to synchronize the data item with the second computer.

Independent claim 42 recites similar limitations, only from the perspective of a computer program product.

Independent method claim 46 recites a similar method for synchronizing first and second data stores in a flexible manner considering the circumstances that exist at the time of synchronization. The method includes the first computer system determining whether to synchronize a data item by *consulting a set of one or more flexible selection rules*, the set of one or more flexible rules taking into consideration value, from having access to synchronized data, relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, (iii) security of the second computer system, or (iv) value of data being synchronized and thereby also determining an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules; and the first computer system synchronizing the data item with the second computer if the first computer system determines that the data item is to be synchronized based on the one or more flexible selection rules and each available synchronization mechanism.

Independent claim 57 recites similar limitations from the perspective of a computer program product.

Independent system claim 59 recites a similar claim directed from the perspective of a network system. The network system includes a synchronization server comprising a data store, a networking module, and a processing module configured to access the data store as well as communicate over a network using the networking module; a mobile device having a data store, a networking module, and a processing module configured to access the data store of the mobile device as well as communicate with the synchronization server over the network using the networking module of the mobile device, the processing device of the mobile device configured to perform the following: determine that a data item is to be synchronized; *identify which of a plurality of synchronization mechanisms are available to use for synchronization*; *consult a set of one or more flexible selection rules to select a synchronization mechanism*, the set of one or more flexible rules taking into consideration value, from having access to synchronized data, relative to at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, (iii) security of the second computer system, or (iv) value of data being synchronized, and thereby select an available synchronization mechanism appropriate for the data item given the one or more flexible selection rules; and use the selected synchronization mechanism to synchronize the data item.

Independent claim 60 recites similar limitations from the perspective of a processing device of a synchronization server.

ARGUMENTS

The art cited by the office action fails to disclose or suggest a plurality of synchronization mechanisms and consulting rules to select one of the synchronization mechanisms where the rules take into consideration at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, (iii) security of the second computer system, or (iv) value of data being synchronized.

For example, *Pesola* illustrates a method of synchronizing managed data. Paragraph [0008]. *Pesola* discusses communication links which may be wired or wireless. *E.g.* paragraphs [0008] and [0014]. However, as admitted by the Office Action, *Pesola* fails to teach consulting a

set of one or more flexible selection rules to select a synchronization mechanism, the set of one or more flexible rules taking into consideration at least one of (i) an economic cost for synchronization using each available synchronization mechanism, (ii) network security for each available synchronization mechanism, (iii) security of the second computer system, or (iv) value of data being synchronized.

Gronemeyer fails to compensate for the deficiencies of *Pesola*. In particular, *Gronemeyer* is directed to synchronizing a multi-computer system that includes parallel-working computers. Col. 3, lines 3-12. *Gronemeyer* teaches only a single connection method existing between the computers of the system. For example, *Gronemeyer* teaches at col. 5, lines 16-20 that computers are compared through monitoring channels of a dual design running among the computers. Further *Gronemeyer* illustrates that the computers are synchronized using hardware synchronization modules. Col. 6, lines 15-17. *Gronemeyer* teaches only a single synchronization connection, and not a plurality of synchronization mechanisms as is recited by the claims. Because *Gronemeyer* does not teach a plurality of synchronization mechanisms, *Gronemeyer* has no basis for teaching using rules to select from among different synchronization mechanisms.

Applicant respectfully submits that the portion of *Gronemeyer* cited by the Office Action (Col. 1, lines 22-37) clearly does not show what the Office Action claims it shows. Namely, the cited portion does not show consulting rules, but rather gives general background information regarding synchronizing multicomputer systems. Perhaps the Examiner intended to cite some other portion of *Gronemeyer*, or some other reference altogether. In any case, Applicants respectfully submit that *Gronemeyer* clearly fails to teach or suggest what is recited by the claims of the present application, alone or in combination with *Pesola*.

Applicants therefore respectfully submit that that the pending claims are not, therefore, anticipated or made obvious by *Pesola* and/or *Gronemeyer* alone or in combination. The remaining art cited by the Office Action, *Asakawa*[2], *Carlsson*[3], *Monin*[4], and *Steinka*[5], which were only cited to reject some of the dependent claims, also clearly fail to compensate for the deficiencies of *Pesola* and *Gronemeyer*.

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[2] *Asakawa* is cited only to show a data store incorporated with the internet.
[3] *Carlsson* is cited only to show a GPRS network.
[4] *Monin* is cited only to show various wireless networks.
[5] *Steinka* is cited only to show dial-up and VPN networks.

Furthermore, although the foregoing remarks have been focused primarily on the independent claims, it will be appreciated that all of the rejections and assertions of record with respect to the independent claims, as well as the dependent claims, are now moot, and therefore need not be addressed individually. However, in this regard, it should be appreciated that Applicant does not necessarily acquiesce to any assertions in the previous Office Action that are not specifically addressed above, and hereby reserves the right to challenge those assertions at any appropriate time in the future, should it arise, including any official notice

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney

Dated this 1 day of September, 2005.

Respectfully submitted,

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